

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VISTO CORPORATION,

Plaintiff,

v.

SMARTNER INFORMATION SYSTEMS, LTD.,

Defendant.

NO. 06-80308 MISC RMW (RS)  
NO. 06-80312 MISC RMW (RS)  
NO. 06-80339 MISC RMW (RS)  
NO. 06-80340 MISC RMW (RS)

**ORDER RE SCHEDULING**

These miscellaneous actions all arise from third-party subpoenas issued and served in this District in connection with one or more suits presently pending before the Honorable John Ward in the Eastern District of Texas. After consultation with Judge Ward, the Court exercises its discretion to defer hearing or ruling on any of the motions involving subpoenas issued to present or former attorneys of the Manatt, Phelps & Phillips, LLP law firm. The Court is advised that a motion for a protective order as to the subpoena issued to Greg Warder is already pending before Judge Ward, and the other Manatt attorneys represent that they will agree to be bound by the ruling that Judge Ward makes thereon. Accordingly, the January 3, 2007 hearing date for all motions in Case Nos. 06-80308 MISC. RMW (RS) (re attorney Warder), 06-80312 MISC. RMW (RS) (re attorney Merkadeau), and 06-80308 MISC. RMW (RS) (re attorney Becker) is hereby VACATED, pending further order of the Court.

This Court will hear and decide the other motions involving third party subpoenas. The

1 Court is advised that Case No. 06-80352 MISC. JF (HRL) is in the process of being related to the  
2 cases listed in the caption above, and that it will be referred to the undersigned. In the interest of  
3 judicial efficiency, the January 3, 2007 hearing date presently scheduled in Case No. 06-80339  
4 MISC. RMW (RS) is hereby CONTINUED to January 17, 2007, with the expectation that it will be  
5 heard by the undersigned concurrently with the motion that has been filed in Case No. 06-80352  
6 MISC. JF (HRL).

7  
8 IT IS SO ORDERED.

9 Dated: 12/29/06

  
RICHARD SEEBORG  
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

2  
3 Counsel are responsible for distributing copies of this document to co-counsel who have not  
4 registered for e-filing under the Court's CM/ECF program.

5 **Dated:**

**Richard W. Wieking, Clerk**

6  
7 **By:** \_\_\_\_\_  
8 **Chambers**